

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

KENNETH GAYNOR, et al., Individually,
and on behalf of himself and all others
similarly situated,

Plaintiff,

v.

DELOY MILLER, et al.

Defendants.

CASE NO. 3:15-cv-545-TAV-CCS

(Consolidated)

Varlan/Shirley

**INDIVIDUAL DEFENDANTS'
MOTION TO DISMISS PLAINTIFF'S
MASTER CONSOLIDATED
COMPLAINT**

ORAL ARGUMENT REQUESTED

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendants Merrill A. McPeak, Don A. Turkleson, Marceau N. Schlumberger, Bob G. Gower, Joseph T. Leary, Charles M. Stivers, David M. Hall, William B. Richardson, and Catherine Rector (the "Moving Individual Defendants") hereby move to dismiss Plaintiff's Master Consolidated Complaint pursuant to the provisions of Federal Rules of Civil Procedure 12(b)(6). This motion is based on this Notice and Defendants' concurrently filed Memorandum of Points and Authorities, Declaration of Robert D. Weber, Request for Judicial Notice, and argument of counsel at the hearing.

DATED: February 21, 2017

Respectfully submitted,

DLA PIPER LLP (US)

/s/ Robert D. Weber

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed, postage prepaid, and/or sent by electronic mail to the following:

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Dated: February 21, 2017

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